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Entertainment, Inc. and Valve Corporation

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

Blizzard Entertainment, Inc., and Valve
Corporation,

Plaintiffs,

v.

Lilith Games (Shanghai) Co. Ltd., uCool, Inc.,
and uCool Ltd.,

Defendants.

CASE NO. 3:15-cv-04084-CRB

The Honorable Charles R. Breyer

**REQUEST FOR JUDICIAL NOTICE ISO
OPPOSITION OF PLAINTIFFS
BLIZZARD ENTERTAINMENT, INC.
AND VALVE CORPORATION TO
UCOOL, INC.'S MOTION TO DISMISS
FIRST AMENDED COMPLAINT**

DATE: April 8, 2016

TIME: 10:00 a.m.

CTRM.: 6, 17th Floor

1 Plaintiffs Blizzard Entertainment, Inc. and Valve Corporation (“Plaintiffs”) respectfully
 2 file this Request, under Federal Rule of Evidence 201, seeking judicial notice of:

- 3
- 4 1. Copyright Registration Certificates for three versions of Defense of the Ancients
 5 (“DotA”) (Beta2, v. 6.68, and v. 6.83) and the paper application form for DotA v.
 6 6.83 (Exs. 2-5 to the Declaration of Marc E. Mayer).
- 7 2. Screenshots of the Copyright Office’s electronic application form, Circular 14, and
 8 website, and a blank form TX application for registration issued by the Copyright
 9 Office (Exs. 6 - 9 to the Declaration of Marc E. Mayer).
- 10 3. The Declaration of Jacky Cheung in Support of uCool’s Opposition to Lilith
 11 Games’ Motion for a Preliminary Injunction filed in *Lilith Games (Shanghai) Co.*
 12 *Ltd. v. uCool, Inc. et al*, No. 3:15-cv-01267-SC (N.D. Cal. 2015) on July 17, 2015
 13 (Ex. 10 to the Declaration of Marc E. Mayer).
- 14

15 Each of these documents is attached as an Exhibit to the Declaration of Marc E. Mayer,
 16 filed concurrently herewith.

17

18 **Exhibits 2- 5: DotA Copyright Registrations and Application.** The Court may take
 19 judicial notice of the existence of copyright registrations, as well as filed copyright applications.
 20 *See, e.g. Disney Enterprises, Inc. v. Tran*, 2013 U.S. Dist. LEXIS 62548, *7, n. 4 (N.D. Cal. May
 21 1, 2013) (“The Court takes judicial notes [*sic*]of the copyright registration certificates”); *see also*
 22 *Ricketts v. Haah*, 2013 U.S. Dist. LEXIS 90241, *5 (C.D. Cal. June 26, 2013); *Ajaxo, Inc. v. Bank*
 23 *of Am. Tech. & Operations, Inc.*, 2007 U.S. Dist. LEXIS 89969, *2 (E.D. Cal. Nov. 21, 2007)
 24 (judicial notice of document maintained by the Copyright Office).

25

26 **Exhibit 6: Screenshot of the Copyright Office’s Online Application Form; Exhibit 7:**
 27 **Blank Form TX Paper Application Form; and Exhibits 8 and 9 – Screenshots of Copyright**
 28 **Office’s Circular 14 and Webpage.** The Court also may take judicial notice of the Copyright

Office's electronic and paper application forms, as well as screen captures of the Copyright Office's webpage. *See AtPac, Inc. v. Aptitude Solutions, Inc.*, 2010 U.S. Dist. LEXIS 42109 (E.D. Cal. Apr. 28, 2010) (taking judicial notice of "a copy of the U.S. Copyright Office's web page" because "the record is generated by an official government website such that its accuracy is not reasonably in dispute."); *Ajaxo, Inc.* 2007 U.S. Dist. LEXIS 89969, at *2.

Exhibit 10 - The Declaration Of Jacky Cheung. Courts may take judicial notice of records publicly filed in related cases, such as court pleadings, filings, and opinions. *See, e.g., Holder v. Holder*, 305 F.3d 854, 866 (9th Cir. 2002) (judicial notice of state court of appeal opinion and briefs); *MGIC Indem. Corp. v. Weisman*, 803 F.2d 500, 504 (9th Cir. 1986) (a court may take judicial notice of pleadings and other documents that are matters of public record). Accordingly, Plaintiffs respectfully request that the Court take judicial notice of Exhibit 10 to the declaration of Marc E. Mayer.

DATED: March 1, 2016

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By: /s/ Marc E. Mayer
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